

# Notice of Allowability

## Application No.

09/895,945

## Examiner

Brian J. Sines

## Applicant(s)

FRANK ET AL.

## Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 6/4/2004.
2. ☒ The allowed claim(s) is/are 1-5, 7-34, 36-67, 69-75 and 77-86.
3. ☒ The drawings filed on 6/29/2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION*****Allowable Subject Matter***

Claims 1 – 5, 7 – 34, 36 – 67, 69 – 75 and 77 – 86 are allowed.

The following is an examiner's statement of reasons for allowance:

*Armes et al.* teach an automatic analyzing system and method of operating the system. The cited prior art neither teach or fairly suggest the further incorporation of the feature that the housing may be selectively moved in sealing engagement with a second housing to form a completely sealed chamber. The cited prior art neither teach or fairly suggest that the apparatus of *Armes et al.* comprise a reaction chamber having a material and structure such that the reaction chamber is operable to sustain an operating pressure of at least 60 psi when the reaction chamber is pressurized by a charging agent. The cited prior art neither teach or fairly suggest the further incorporation of sensors for disrupting the movement of the movable surface upon detection of unwanted objects in the travel path of the movable surface. The cited prior art neither teach or fairly suggest the further incorporation of a data gathering device which is an infrared camera. The cited prior art neither teach or fairly suggest a screening apparatus comprising: a first housing having at least a partially open center; and a second housing having at least a partially open center, whereby the partially open center of the first housing and the partially open center of the second housing are adapted for sealing engagement to define a reaction chamber. The cited prior art neither teach or fairly suggest a screening apparatus comprising: a first housing defining fluid inlet ports, wherein the housing has at least one partially open surface; a reaction chamber at least partially defined by a hollow center portion of the first housing, wherein the first housing supports a selectively movable plate in the

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reaction chamber; a movable transport module supported by the first housing for transferring samples into or out of the reaction chamber; and an injection module supported by a second selectively movable housing for *in situ* injection of chemical components onto the samples contained within the reaction chamber, wherein the second housing may be moved into contact with the first housing to seal and enclose the reaction chamber. The cited prior art neither teach or fairly suggest the further incorporation of pressurizing the reaction chamber with a charging agent. The cited prior art neither teach or fairly suggest the further step of permitting the reaction chamber to come to pressure and temperature equilibrium after introducing the charging agent into the reaction chamber and prior to injecting chemical components into the reaction chamber via the injection module. The cited prior art neither teach or fairly suggest the further step of injecting the chemical components onto two or more samples. The cited prior art neither teach or fairly suggest the further step of evacuating or purging the reaction chamber. The cited prior art neither teach or fairly suggest the further step of using an infrared camera for analysis. The cited prior art neither teach or fairly suggest an apparatus comprising a reaction chamber and an injection module which is in both sealing engagement and fluid communication with the reaction chamber.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Sines, Ph.D. whose telephone number is (571) 272-1263. The examiner can normally be reached on Monday - Friday (11:30 AM - 8 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jill Warden  
Supervisory Patent Examiner  
Technology Center 1700